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August 28, 2015

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

RECEIVED E-Mail

AUG 28 2015

Div. of Oil, Gas & Mining

Re: *Appeal and Formal Request for Hearing pursuant to R647-5 et seq.*
Citation #: MC-2015-42-01
Permit Number: S/023/0015
Date Issued: 07/29/2015

Secretary,

On August 3, 2015 Triumph Mining Corp. received the above-referenced Citation for Non-Compliance/Cessation Order for the following violations: R647-3-115.2, \$647-3-101.1 and \$647-3-111.1.

Appeal and petition for hearing is hereby made pursuant to the rules outlined in R647-5 et. seq. In addition the Petitioner requests temporary relief from this citation.

The grounds upon which Petitioner appeals are as follows:

1. That Petitioner is not the real party in interest. At the time of the alleged violation herein, Petitioner had given Rock Creek Gypsum (Burningham Trucking), an option to purchase said claims. On information and belief, the Clyde Companies including Geneva Rock Products and Sun Rock Inc. (hereinafter "Clyde Companies"), were operating the claims with the knowledge and approval of the Board of Oil, Gas and Mining and the United States Forrest Service.

2. Specifically with regard to Citation #: MC-2015-42-01 the Petitioner responds as follows:

- a. *R647-3-115.2, The Operator implemented changes to the NOI without approval. Deny*
- b. *R647-3-101.1, The Operator conducted mining operations outside of the approved disturbed area boundaries. Deny*
- c. *R647-3-111.1, The Operator did not post additional bond prior to commencing mining operations in the proposed expansion area. Deny for lack of knowledge.* Division of Oil, Gas and Mining has been working directly with Rock Creek Gypsum. The Petitioner had no knowledge or notice that bond had not been put in place.

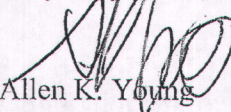
3. Petitioner also requests temporary relief from this Citation. The grounds and reasons for said temporary relief are as follows:

It was the petitioners understanding that Rock Creek Gypsum and the Clyde company had been working directly with the Division of Oil, Gas and Mining with regard to the notice of intent and any proposed additional work areas and bonding; and

Any violations or penalties that are levied were under, and are the responsibility of, Rock Creek Gypsum and Clyde Companies.

Any proposed violation, penalties, fines or assessments should be decided in a hearing when Rock Creek Gypsum and Clyde Companies can be present and represented.

Very truly yours,



Allen K. Young

Enclosures

cc: Triumph Mining
Bob Steele
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